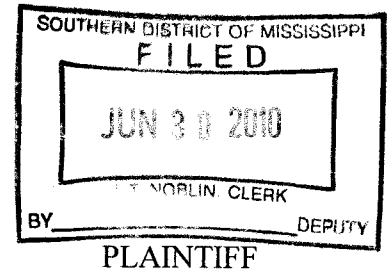


IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION



OMNIBANK

V.

CIVIL ACTION NO. 3:10 CV 368-DPJ-FKB

ANIKA AND ASSOCIATES, INC.  
AND MURRAY D. WIKOL

DEFENDANTS

**COMPLAINT**

COMES NOW OmniBank and files this Complaint against Defendants, Anika and Associates, Inc. and Murray D. Wikol and further states as follows:

**PARTIES**

1. OmniBank is a state banking association having its principal place of business in Jackson, Mississippi.

2. Anika and Associates, Inc. is a foreign corporation duly authorized to do and doing business in the State of Mississippi. Anika and Associates, Inc. may be served with process by serving a Summons and Complaint upon its registered agent for service of process, George Westcott at 840 Boling Street, Jackson, Mississippi 39209.

3. Murray D. Wikol is an adult resident of Michigan who may be served with process by serving a Summons and a copy of this Complaint upon him at 3890 Oakland Drive, Bloomfield Hills, Michigan 48301.

**JURISDICTION AND VENUE**

4. This Court has subject matter jurisdiction over this Civil Action pursuant to §1332 inasmuch as (i) there exists complete diversity of citizenship between the Plaintiffs and all of the Defendants and (ii) the matter in controversy, exclusive of interest and costs, exceeds the sum or

value of \$75,000.00. Venue is proper in this judicial district pursuant to 28 U.S.C. §1391 inasmuch as (i) a substantial part of the events or omissions giving rise to this claim occurred in this judicial district and (ii) a substantial part of the property that is the subject of this Civil Action is situated in this judicial district.

### **FACTS**

5. On, May 1, 2007, Anika and Associates, Inc. and Murray D. Wikol jointly executed a Promissory Note ("Note") in favor of OmniBank in the original principal amount of \$2,020,039.00 payable to OmniBank. The Note bears interest at the rate of \$375.46646 per diem. A true and correct copy of the Note is attached hereto as Exhibit "A" and is incorporated herein by reference.

6. The Note is secured by real estate located in Jackson, Hinds County, Mississippi.

7. Anika and Associates, Inc. and Murray D. Wikol are in default pursuant to the terms and conditions of the Note.

8. As of May 19, 2010 the amount due OmniBank is \$1,930,970.38 in principal, \$58,572.77 in interest and \$3,263.99 in late fees. Interest continues to accrue on the principal balance from and after May 19, 2010 at the rate of \$375.46646 per diem. Defendants are in default. The note has fully matured.

9. OmniBank is entitled to a judgment against Anika and Associates and Murray D. Wikol, jointly and severally, in the principal amount of \$1,930,970.38, plus interest accruing through May 19, 2010 of \$58,572.77, late fees of \$3,263.99, plus interest on said principal amount at the rate of \$375.46646 per diem from and after May 19, 2010 until paid in full, plus reasonable attorney's fees pursuant to the Note and all costs of court.

10. OmniBank reserves all other remedies available to it under the Promissory Note and

related Loan Documents.

WHEREFORE, PREMISES CONSIDERED, OmniBank prays that this Court enter judgment against the Defendants, Anika and Associates, Inc. and Murray D. Wikol, jointly and severally, in the principal amount of \$1,930,970.38, plus interest accruing through May 19, 2010 of \$58,572.77, late fees of \$3,263.99, plus interest on said principal amount at the rate of \$375.46646 per diem from and after May 19, 2010 until paid in full, plus reasonable attorney's fees pursuant to the Note and all costs of court and further prays for any other relief that may be just given the premises.

Dated this the 29<sup>th</sup>, day of June, 2010.

Respectfully submitted,

**OMNIBANK**

By: 

William J. Little, Jr., Its Attorney

OF COUNSEL:

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